

Introduced by Senator PavleyFebruary 20, 2014

An act to amend Sections 10752 and 10753.7 of the Water Code, relating to groundwater.

LEGISLATIVE COUNSEL'S DIGEST

SB 1168, as introduced, Pavley. Groundwater management plans.

Existing law authorizes local agencies, as defined, to adopt and implement a groundwater management plan. Existing law requires a groundwater management plan to contain specified components and requires a local agency seeking state funds administered by the Department of Water Resources for groundwater projects or groundwater quality projects to do certain things, including, but not limited to, prepare and implement a groundwater management plan that includes basin management objectives for the groundwater basin.

This bill also would require a local agency to determine sustainable yield for a groundwater basin in coordination with other applicable local agencies whose service areas overlie the groundwater basin.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) Groundwater is a crucial component of
- 2 California's water supply and a primary water supply for many
- 3 areas in times of drought. In an average water year, groundwater
- 4 provides approximately 30 percent of California's agricultural and
- 5 urban supply but during times of drought, groundwater provides
- 6 40 percent or more. Groundwater is one of the best drought

1 management tools providing the backup supply for many regions
2 of the state when surface supplies in our rivers and reservoirs are
3 depleted.

4 (b) In many areas of the state, the heavy reliance on groundwater
5 has resulted in its overuse. In aggregate, more groundwater has
6 been pumped and used each year than has been replenished,
7 resulting in groundwater overdraft in many areas. Groundwater
8 overdraft is known to cause numerous impacts including, but not
9 limited to, reduced drinking water quality, reduced surface water
10 flows that affect fish and downstream users, increased costs of
11 groundwater pumping and drilling, reduced future water storage
12 potential, and land subsidence which in turn threatens the integrity
13 of levees, wells, roads, and other critical infrastructure.

14 (c) It is in the best interest of the state that groundwater be
15 managed sustainably to protect California's drought resilience,
16 public health, economic vitality, agricultural production, and
17 natural heritage.

18 (d) While many local agencies have improved groundwater
19 management in their regions by exercising existing authorities,
20 significant groundwater overdraft and impacts continue.

21 (e) Local agencies need additional legal authority to protect
22 groundwater supplies and the environment in times of drought,
23 and to ensure a healthy future for California's farms and
24 communities.

25 SEC. 2. Section 10752 of the Water Code is amended to read:
26 10752. Unless the context otherwise requires, the following
27 definitions govern the construction of this part:

28 (a) "Groundwater" means all water beneath the surface of the
29 earth within the zone below the water table in which the soil is
30 completely saturated with water, but does not include water that
31 flows in known and definite channels.

32 (b) "Groundwater basin" means any basin or subbasin identified
33 in the department's Bulletin No. 118, dated September 1975, and
34 any amendments to that bulletin, but does not include a basin in
35 which the average well yield, excluding domestic wells that supply
36 water to a single-unit dwelling, is less than 100 gallons per minute.

37 (c) "Groundwater extraction facility" means a device or method
38 for the extraction of groundwater within a groundwater basin.

(d) “Groundwater management plan” or “plan” means a document that describes the activities intended to be included in a groundwater management program.

(e) “Groundwater management program” or “program” means a coordinated and ongoing activity undertaken for the benefit of a groundwater basin, or a portion of a groundwater basin, pursuant to a groundwater management plan adopted pursuant to this part.

(f) “Groundwater recharge” means the augmentation of groundwater, by natural or artificial means, with surface water or recycled water.

(g) “Local agency” means a local public agency that provides water service to all or a portion of its service area, and includes a joint powers authority formed by local public agencies that provide water service.

(h) *“Overdraft” means the condition of the groundwater basin where the average annual amount of water extracted exceeds the average annual supply of water to groundwater.*

~~(h)~~

(i) “Person” has the same meaning as defined in Section 19.

~~(i)~~

(j) “Recharge area” means the area that supplies water to an aquifer in a groundwater basin and includes multiple wellhead protection areas.

(k) *“Sustainable yield” means the average annual quantity of groundwater that can be withdrawn over a specified planning timeframe from a groundwater basin without resulting in or aggravating conditions of overdraft, subsidence, ecosystem degradation, streamflow depletion, or groundwater quality degradation.*

~~(j)~~

(l) “Watermaster” means a watermaster appointed by a court or pursuant to other provisions of law.

~~(k)~~

(m) “Wellhead protection area” means the surface and subsurface area surrounding a water well or well field that supplies a public water system through which contaminants are reasonably likely to migrate toward the water well or well field.

SEC. 3. Section 10753.7 of the Water Code is amended to read:

10753.7. (a) For the purposes of qualifying as a groundwater management plan under this section, a plan shall contain the

1 components that are set forth in this section. In addition to the
2 requirements of a specific funding program, a local agency seeking
3 state funds administered by the department for groundwater
4 projects or groundwater quality projects, including projects that
5 are part of an integrated regional water management program or
6 plan, and excluding programs that are funded under Part 2.78
7 (commencing with Section 10795), shall do all of the following:

8 (1) Prepare and implement a groundwater management plan
9 that includes basin management objectives for the groundwater
10 basin that is subject to the plan. The plan shall include components
11 relating to the monitoring and management of groundwater levels
12 within the groundwater basin, groundwater quality degradation,
13 inelastic land surface subsidence, changes in surface flow and
14 surface water quality that directly affect groundwater levels or
15 quality or are caused by groundwater pumping in the basin, and a
16 description of how recharge areas identified in the plan
17 substantially contribute to the replenishment of the groundwater
18 basin.

19 (2) For purposes of implementing paragraph (1), the local agency
20 shall prepare a plan to involve other agencies that enables the local
21 agency to work cooperatively with other public entities whose
22 service area or boundary overlies the groundwater basin.

23 (3) For purposes of implementing paragraph (1), the local agency
24 shall prepare a map that details the area of the groundwater basin,
25 as defined in the department's Bulletin No. 118, and the area of
26 the local agency, that will be subject to the plan, as well as the
27 boundaries of other local agencies that overlie the basin in which
28 the agency is developing a groundwater management plan.

29 (4) *For the purposes of increasing the general understanding*
30 *of regional groundwater supplies, avoiding impacts due to*
31 *groundwater overdraft, improving drought preparedness, and*
32 *implementing paragraph (1), the local agency shall determine the*
33 *sustainable yield for the groundwater basin. The local agency*
34 *shall determine sustainable yield for a groundwater basin in*
35 *coordination with other applicable local agencies whose service*
36 *areas overlie the groundwater basin.*

37 ~~(4)~~

38 (5) (A) Commencing January 1, 2013, for purposes of
39 implementing paragraph (1), the groundwater management plan

1 shall include a map identifying the recharge areas for the
2 groundwater basin.

3 (B) The local agency shall provide the map required pursuant
4 to subparagraph (A) to the appropriate local planning agencies
5 after adoption of the groundwater management plan.

6 (C) Upon submitting a map pursuant to subparagraph (B), the
7 local agency shall notify the department and all persons on the list
8 established and maintained pursuant to subdivision (c) of Section
9 10753.4.

10 (D) For purposes of this paragraph, “map identifying the
11 recharge areas” means a map that identifies, or maps that identify,
12 the current recharge areas that substantially contribute to the
13 replenishment of the groundwater basin.

14 ~~(5)~~

15 (6) The local agency shall adopt monitoring protocols that are
16 designed to detect changes in groundwater levels, groundwater
17 quality, inelastic surface subsidence for basins for which
18 subsidence has been identified as a potential problem, and flow
19 and quality of surface water that directly affect groundwater levels
20 or quality or are caused by groundwater pumping in the basin. The
21 monitoring protocols shall be designed to generate information
22 that promotes efficient and effective groundwater management.

23 ~~(6)~~

24 (7) Local agencies that are located in areas outside the
25 groundwater basins delineated on the latest edition of the
26 department’s groundwater basin and subbasin map shall prepare
27 groundwater management plans incorporating the components in
28 this subdivision, and shall use geologic and hydrologic principles
29 appropriate to those areas.

30 (b) (1) (A) A local agency may receive state funds administered
31 by the department for groundwater projects or for other projects
32 that directly affect groundwater levels or quality if it prepares and
33 implements, participates in, or consents to be subject to, a
34 groundwater management plan, a basinwide management plan, or
35 other integrated regional water management program or plan that
36 meets, or is in the process of meeting, the requirements of
37 subdivision (a). A local agency with an existing groundwater
38 management plan that meets the requirements of subdivision (a),
39 or a local agency that completes an update of its plan to meet the
40 requirements of subdivision (a) within one year of applying for

1 funds, shall be given priority consideration for state funds
2 administered by the department over local agencies that are in the
3 process of developing a groundwater management plan. The
4 department shall withhold funds from the project until the update
5 of the groundwater management plan is complete.

6 (B) Notwithstanding subparagraph (A), a local agency that
7 manages groundwater under any other provision of existing law
8 that meets the requirements of subdivision (a), or that completes
9 an update of its plan to meet the requirements of subdivision (a)
10 within one year of applying for funding, shall be eligible for
11 funding administered by the department. The department shall
12 withhold funds from a project until the update of the groundwater
13 management plan is complete.

14 (C) Notwithstanding subparagraph (A), a local agency that
15 conforms to the requirements of an adjudication of water rights in
16 the groundwater basin is in compliance with subdivision (a). For
17 purposes of this subparagraph, an “adjudication” includes an
18 adjudication under Section 2101, an administrative adjudication,
19 and an adjudication in state or federal court.

20 (D) Subparagraphs (A) and (B) do not apply to proposals for
21 funding under Part 2.78 (commencing with Section 10795), or to
22 funds authorized or appropriated prior to September 1, 2002.

23 (E) A local agency may request state funds to map groundwater
24 recharge areas pursuant to paragraph (4) of subdivision (a) to the
25 extent that the request for state funds is consistent with eligibility
26 requirements that are applicable to the use of the requested funds.

27 (2) Upon the adoption of a groundwater management plan in
28 accordance with this part, the local agency shall submit a copy of
29 the plan to the department, in an electronic format, if practicable,
30 approved by the department. The department shall make available
31 to the public copies of the plan received pursuant to this part.